

REMARKS

This Amendment is being filed in response to the final Office Action dated August 23, 2007. In view of these amendments and remarks this Amendment should be entered, the application allowed, and the case passed to issue. No new matter or considerations are introduced by this Amendment, as it merely cancels claims. If this application is not allowed, this Amendment should be entered as it significantly reduces the issues for appeal.

Claims 12-20 are pending in this application. Claims 16-18 and 20 were withdrawn from consideration pursuant to a restriction requirement. Claims 12-15, 19, 21-24, and 28 were rejected. Claims 1-11 were previously canceled. Claims 21-29 are canceled in this response.

Restriction

Upon allowance of generic claim 12, Applicant respectfully requests consideration and allowance of all the claims (16-18 and 20) depending from the allowed generic claim, in accordance with 37 C.F.R. § 1.141.

Claim Rejections Under 35 U.S.C. § 102

Claims 21-24 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kawasumi et al. (EP 1198020).

This rejection is moot, as claims 21-24 and 28 have been canceled.

Claim Rejections Under 35 U.S.C. § 103

Claims 12-15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawasumi et al. in view of Woods (US 6,033,793). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

An English translation of the Japanese priority document JP 2002-106235 filed April 9, 2002 is attached to this response. The Japanese filing date of the JP 2002-106235, April 9, 2002,

precedes Kawasumi et al.'s publication date. Though the Examiner noted that Kawasumi et al.'s has an earlier filing date, the filing date of a foreign patent application can not be used as a prior art date. The USPTO can rely on the publication date of a foreign patent application, but not the filing date of the foreign patent application when making a rejection.

In view of the above amendments and remarks, Applicant submits that this amendment should be entered, the application allowed, and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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